

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

BRIAN KEITH WRIGHT,

Plaintiff

Case No. 2:23-cv-00126-GMN-VCF

**ORDER**

v.

CITY OF LAS VEGAS,

Defendant

On January 24, 2023, pro se plaintiff Brian Keith Wright, an inmate at the Victorville U.S. Penitentiary, submitted a complaint under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis*. (ECF Nos. 1-1.)<sup>1</sup> Plaintiff's application to proceed *in forma pauperis* is incomplete because Plaintiff used state court forms, rather than this Court's approved form. The Court will deny Plaintiff's application without prejudice and give Plaintiff the opportunity to correct this deficiency **by April 21, 2023**.

**I. DISCUSSION**

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. Loc. Special R. 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a

<sup>1</sup> Both documents were filed together with the complaint at pages 1-11, and the application to proceed *in forma pauperis* at pages 13-21. (ECF No. 1-1.)

1 prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account**  
2 **statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev.  
3 Loc. Special R. 1-2. *In forma pauperis* status does not relieve an inmate of his or her  
4 obligation to pay the filing fee, it just means that the inmate can pay the fee in installments.  
5 See 28 U.S.C. § 1915(b).

6 As explained above, Plaintiff's application to proceed *in forma pauperis* is  
7 incomplete. The Court will therefore deny Plaintiff's application to proceed *in forma*  
8 *pauperis* without prejudice and grant Plaintiff an extension of time to either pay the filing  
9 fee or file a new fully complete application to proceed *in forma pauperis* with all three  
10 required documents.

## 11 **II. CONCLUSION**

12 It is therefore ordered that the application to proceed *in forma pauperis* (ECF No. 1-  
13 1) is denied without prejudice.

14 It is further ordered that Plaintiff has **until April 21, 2023**, to either pay the full \$402  
15 filing fee or file a new fully complete application to proceed *in forma pauperis* with all three  
16 required documents: (1) a completed application with the inmate's two signatures on page  
17 3, (2) a completed financial certificate that is signed both by the inmate and the prison or  
18 jail official, and (3) a copy of the inmate's trust fund account statement for the previous  
19 six-month period.

20 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if  
21 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff  
22 to refile the case with the Court, under a new case number, when Plaintiff can file a  
23 complete application to proceed *in forma pauperis* or pay the required filing fee.

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1           The Clerk of the Court is directed to send Plaintiff Brian Keith Wright the approved  
2 form application to proceed *in forma pauperis* for an inmate and instructions for the same  
3 and retain the complaint (ECF No. 1-1) but not file it at this time.

4           DATED THIS 17th day of February 2023.

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7 UNITED STATES MAGISTRATE JUDGE  
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